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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROBERT WILLIAM TUNSTALL, JR.,
Plaintiff,
v.
JOSEPH BICK, et al.,
Defendants.

No. 2:16-CV-2604-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On July 22, 2020, the Court found multiple deficiencies in plaintiff’s fourth amended complaint and ordered that plaintiff may withdraw the complaint and proceed on his third amended complaint instead. See ECF No. 71. Plaintiff was warned that failure to do so would result in the dismissal of his action. Id. Despite this, plaintiff did not withdraw his fourth amended complaint. On August 5, 2020, the Court issued findings and recommendations (F&Rs) recommending that plaintiff’s action be dismissed for failure to correct the deficiencies identified in his fourth amended complaint. See ECF No. 73. On August 13, 2020, plaintiff submitted objections to the F&Rs. See ECF No. 74. In his objections, plaintiff states that half of his brain has been removed and, as a result, he is incapable of producing a withdrawal of his fourth amended complaint. Plaintiff also complains that his previous requests for appointment of counsel have been denied.

1 Therefore, the Court shall, sua sponte, grant plaintiff an additional thirty days in
2 which to 1) withdraw his fourth amended complaint (ECF No. 68) and proceed on his third
3 amended complaint which states cognizable claims; or 2) provide to the Court clear and current
4 medical information that would support plaintiff's claimed inability to address the deficiencies in
5 the fourth amended complaint, and alleged need for appointment of counsel. On receipt of
6 plaintiff's response, the Court will issue an order addressing both the status of plaintiff's pleading
7 and plaintiff's request for appointment of counsel. Plaintiff is further warned that failure to
8 respond shall result in continued processing of the F&Rs dismissing this action.

9 IT IS SO ORDERED.

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11 Dated: August 27, 2020



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13 DENNIS M. COTA
14 UNITED STATES MAGISTRATE JUDGE
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